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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,623	04/14/2004	Lennart Stridsberg	1291-0146PUS2	4653
2292	7590	06/30/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			RESTIFO, JEFFREY J	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/823,623	Applicant(s) STRIDSBERG, LENNART	
	Examiner Jeffrey J. Restifo	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/557,902.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgments

1. Acknowledgment is made of the request for reconsideration filed 4/11/06.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4 and 6-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The applicant does recite air as being filtered, but does not explicitly recite the air as specifically coming from the **engine** air filter, which appears to be the novel limitation of the claims. Many vehicles have screens in the fenders which filter ram air, or cabin air filters, which are not part of the engine air system. Further, air coming from the engine air filter would create questions as to how the air would be directed to the motor and yet maintain the vacuum pressure of the engine and also maintain the throttle and oxygen levels for engine performance. For these reasons little patentable weight has been given to the limitation of the air being filtered and coming directly from the engine air filter. For these reasons the 112 rejection stands.

Claim Rejections - 35 USC § 103

4. Claims 1-4 and 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buschhaus et al. (US 5,713,425 A) and further in view of Ishida et al. (US 5,705,865 A).

Buschhaus et al. discloses a conventional hybrid vehicle comprising an engine 10 with output shaft 14, electric motor 46, energy storage device 64, wherein either said engine or said motor are able to drive wheels, as shown in figure 1. The thermal engine air filter is an intended use and the limitation describing the source of cooling air is not found in the spec or drawings and therefore has been given little patentable weight. Buschhaus et al. does not disclose the rotor and stator windings of the motor as having airgaps for circulating air for cooling purposes. Ishida et al. discloses a motor for a vehicle comprising rotor and stator windings 34,32 and airgaps and channels "W" and 30, as shown in figures 3 and 4. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the motor of Buschhaus et al. with the motor cooling structure of Ishida et al. in order to cool the motor and prevent overheating.

With respect to claim 11, the method is inherently performed in the use of the apparatus of Buschhaus et al. in view of Ishida et al. recited above.

Response to Arguments

Applicant's arguments filed 4/11/06 have been fully considered but they are not persuasive. With respect to the applicant's arguments concerning the 112 first paragraph, the examiner has supplied further arguments to support and specifically point out problems with the disclosure concerning enablement with respect to the air from the engine air filter being supplied to the motor. Since the specification does not appear to point out any unexpected results, advantages, or benefits of supplying the cooling air from one source compared to any other, the examiner takes the position that all sources are equal variants of each other and are not patentably distinct, and therefore the intended source of the cooling air has been given little patentable weight. With respect to the 103 rejection, the motor of Ishida et al. is capable of receiving air from any source for cooling purposes, and the applicant fails to structurally define over the motor of Ishida et al., and therefore the rejection stands.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Restifo whose telephone number is (571) 272-6697. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JJR

Jeffrey J Restifo
Primary Examiner
Art Unit 3618